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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION
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12 ALEXANDER D. SAMMONS,) Case No. CV 15-03780-CAS (AS)
13)
14 Petitioner,) ORDER OF DISMISSAL
15)
16 v.)
17 Warden, H.D.S.P., S. PERRY,)
Respondent.)
_____)

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19 I. BACKGROUND
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21 On May 19, 2015, pro se Petitioner, located at High Desert
22 State Prison in Susanville, California, filed a one-page Motion
23 for a Stay and Abeyance ("Motion"). Petitioner does not allege
24 any claims. The Court is not in a position to determine whether
25 the stay of a federal habeas petition might be warranted.
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27 A Petition for Writ of Habeas Corpus can only be issued if
28 petitioner is in state custody and that such custody is in

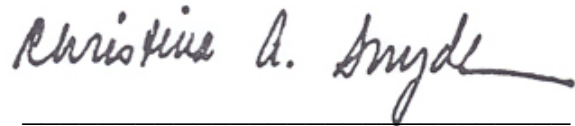
1 violation of the Constitution, laws or treaties of the United
2 States. 28 U.S.C. § 2254(c). Petitioner fails to allege any
3 claim(s), much less any claims which go to the fact or duration
4 of his confinement. See Preiser v. Rodriguez, 411 U.S. 475, 489
5 (1973).

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7 Since Petitioner does not state a claim for relief under 28
8 U.S.C. § 2254, denial of the Motion is warranted.

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10 **II. ORDER**

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12 ACCORDINGLY, IT IS ORDERED that the Motion be dismissed
13 without prejudice.¹

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15 DATED: 06/01/15

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18 CHRISTINA A. SNYDER
19 UNITED STATES DISTRICT JUDGE

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28 ¹ Petitioner may request a stay and abeyance of his
actual federal habeas petition, if necessary.